



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

May 13, 1991

Mr. Richard Rafes
Vice President and General Counsel
University of North Texas
Texas College of Osteopathic Medicine
P.O. Box 13426
Denton, Texas 76203-3426

OR91-233

Dear Mr. Rafes:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11153.


The University of North Texas received an open records request from an attorney who is representing a university employee in a workman's compensation claim. The requestor is seeking information pertaining to his client's claim. You contend that the requested information comes under the protection of section 3(a)(3).

This office has previously stated that information directly relating to pending workman's compensation claims normally come under the protection of section 3(a)(3). See Open Records Decision No. 260 (1980); *but see Flores v. Fourth Court of Appeals*, 777 S.W.2d 38 (Tex. 1989). We note, however, that the requestor's client is more than likely cognizant of all of the requested information. Absent special circumstances, once information has been obtained by all parties to the litigation, no section 3(a)(3) interest exists with respect to that information. Open Records Decision Nos. 349, 320 (1982). If the requestor or his client has seen or otherwise had access to any of the requested information, there would be no justification for now withholding that information from the requestor pursuant to section 3(a)(3). Consequently, this office does not believe that any of the requested information may be withheld pursuant to section 3(a)(3). You must therefore release the information.

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Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-233.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/lb

Ref.: ID# 11153

cc: Frederick A. Pastor
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